

REMARKS

The present Office Action addresses claims 1-35, however claims 13, 14, 19, 20, 24, and 32 are withdrawn from consideration. Remaining claims 1-12, 15-18, 21-23, 25-31, and 33-35 stand rejected.

Claim 22 is cancelled. Independent claim 1 is amended to recite a closure mechanism adapted to *removably* mate to the spinal anchoring element. Independent claim 21 is amended to incorporate the subject matter of claim 22. Claim 23 is amended in light of claim 22's cancellation. Support for these amendments can be found throughout the specification and drawings, for example in Figure 1. No new matter is added.

Applicant thanks the Examiner for discussing this case by telephone with Applicant's undersigned representative on December 16, 2008. The Examiner agreed that the amendments presented in this paper overcome the rejections of the claims over the cited references. Claims 1-35 are thus in condition for allowance, and allowance thereof is respectfully requested. **The Examiner has agreed to telephone the Applicant's representative if any new prior art is located in an updated search.**

Dated: December 16, 2008

Respectfully submitted,

By

Lisa Adams

Registration No.: 44,238

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2550

(617) 310-9550 (Fax)

Attorney for Applicant